



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
SAVANNAH DISTRICT
1104 NORTH WESTOVER BOULEVARD
ALBANY, GEORGIA 31707

October 26, 2023

Regulatory Division
SAS-2023-00134

JOINT PUBLIC NOTICE
Savannah District/State of Georgia

The Savannah District has received an application for a Department of the Army Permit, pursuant to Section 404 of the Clean Water Act (33 U.S.C. § 1344), as follows:

Application Number: SAS-2023-00134

Applicant: Mr. Jack Reiner
Peat Fuel Company
26744 CR 33
Groveland, Florida 34736

Agent: Mr. Mark Ausley
Bio-Tech Consulting, Inc.
3025 East South Street
Orlando, Florida 32803

Project Purpose as Proposed by Applicant: The applicant's stated project purpose is "to obtain authorization of an existing peat mining facility in Long County, Georgia."

Location of Proposed Work: The approximately 345 - acre project site is located on Pearl Davis Road SE, in Long County, Georgia (Latitude 31.7285, Longitude -81.6455). The aquatic resources located on-site drain to the South Newport River, a Traditional Navigable Waterway (TNW).

Description of Work Subject to the Jurisdiction of the U.S. Army Corps of Engineers:
The applicant is proposing to impact 30-acres of wetland associated with the South Newport River. Specifically, the applicant would directly impact 30-acres of wetland from the discharge of dredged/fill material within waters of the United States from the creation of milled peat windrows within the project site. Peat removal is accomplished through the milling of the first four (4) inches of peat using a rotary milling equipment attached to a tractor. Once the material has been milled in place, a second tractor with a scraping pan collects the peat and deposits the peat into 30-foot windrows. This material is then removed from the site and taken to packaging for sale to be used in agriculture, horticulture, manufacturing and waste management industries. The

applicant is not proposing any compensatory mitigation for the impacts. The applicant is proposing to remove the created windrows once the peat has dried and allowing the area to naturally revegetate after completion of the operation.

BACKGROUND

Prior to the enactment of the Clean Water Act (1972), the project site began draining the ± 345-acre Goose Pond wetland in order to construct a peat mine operation. This work was initiated between 1952 and 1953. In 1984, the Georgia Department of Natural Resources issued a Surface Mining Permit (#838-84). The mine has remained in compliance with the Georgia Surface Mining Permit since permit issuance. In 2018, United States Environmental Protection Agency (EPA) issued a Notice of Violation for unauthorized discharge into jurisdictional waters from mining operations at Goose Pond. In January 2023, a Consent Agreement was executed by all parties. This Consent Agreement established 16.63 acres of unauthorized discharge of dredged and/or fill material in the ± 200-acre freshwater wetland. This 16.63 acres of impacts which consisted of peat windrows and side cast from ditch excavation was removed. In addition, a ditch plug was removed in the mine outfall ditch.

This Joint Public Notice announces a request for authorizations from both the Corps and the State of Georgia. The applicant's proposed work may also require local governmental approval.

STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division will review the proposed project for water quality certification, in accordance with the provisions of Section 401 of the Clean Water Act. Prior to issuance of a Department of the Army permit for a project location in, on, or adjacent to the waters of the State of Georgia, review for Water Quality Certification is required. A reasonable period of time, which shall not exceed one year, is established under the Clean Water Act for the State to act on a request for Water Quality Certification, after which, issuance of such a Department of the Army permit may proceed. The applicant did not request a pre-certification meeting with Georgia EPD prior to submitting their application for a permit under Section 404 of the Clean Water Act. The applicant must still request a meeting with EPD at least 30 days prior to any request they make for 401 Water Quality Certification.

State-owned Property and Resources: The applicant may also require assent from the State of Georgia, which may be in the form of a license, easement, lease, permit or other appropriate instrument.

Georgia Coastal Management Program: Prior to the Savannah District Corps of Engineers making a final permit decision on this application, the project must be certified by the Georgia Department of Natural Resources, Coastal Resources Division, to be consistent with applicable provisions of the State of Georgia Coastal Management

Program (15 CFR 930). Anyone wishing to comment on Coastal Management Program certification of this project should submit comments in writing within 30 days of the date of this notice to the Federal Consistency Coordinator, Coastal Management Program, Coastal Resources Division, Georgia Department of Natural Resources, One Conservation Way, Brunswick, Georgia 31523-8600 (Telephone 912-264-7218).

U.S. ARMY CORPS OF ENGINEERS

The Savannah District must consider the purpose and the impacts of the applicant's proposed work, prior to a decision on issuance of a Department of the Army permit.

Cultural Resources: Review of the latest published version of the National Register of Historic Places and the Georgia Natural, Archeological and Historic Resources GIS database, indicates that no registered properties or properties listed as eligible for inclusion are located on the project site. Presently unknown archaeological, scientific, prehistorical or historical data may be located at the site and could be affected by the proposed work.

Endangered Species: A preliminary review the U.S. Fish and Wildlife Service (FWS) list of Endangered and Threatened Species (IPaC) indicates the following listed species may occur in the project area: Eastern Black Rail (*Laterallus jamaicensis*), Wood Stork (*Mycteria americana*), and Eastern Indigo Snake (*Drymarchon couperi*).

Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. § 1531 et seq.), we request information from the U.S. Department of the Interior, Fish and Wildlife Service, the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service; or, any other interested party, on whether any species listed or proposed for listing may be present in the area. In addition, we are requesting information from the USFWS whether the project is within 2,500 feet of an active wood stork nesting colony.

Public Interest Review: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people.

Consideration of Public Comments: The Corps is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Application of Section 404(b)(1) Guidelines: The proposed activity involves the discharge of dredged or fill material into the waters of the United States. The Savannah District's evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Engineer, or his designated appointee, based on the need for additional substantial information necessary in evaluating the proposed project.

Comment Period: Anyone wishing to comment on this application for a Department of the Army permit should submit comments by email to terry.c.kobs@usace.army.mil. Alternatively, you may submit comments in writing to the Commander, U.S. Army Corps of Engineers, Savannah District, Attention: Terry Kobs, 1104 North Westover Boulevard, Unit 109, Albany, Georgia 31707, no later than 30 days from the date of this notice. Please refer to the applicant's name and the application number in your comments.

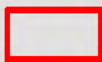
If you have any further questions concerning this matter, please contact Terry Kobs, Project Manager, Management Branch at (229) 430-8567.

Enclosures:

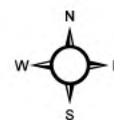
1. Figure 1 – Location Map
2. Figure 7 – Wetland Impacts

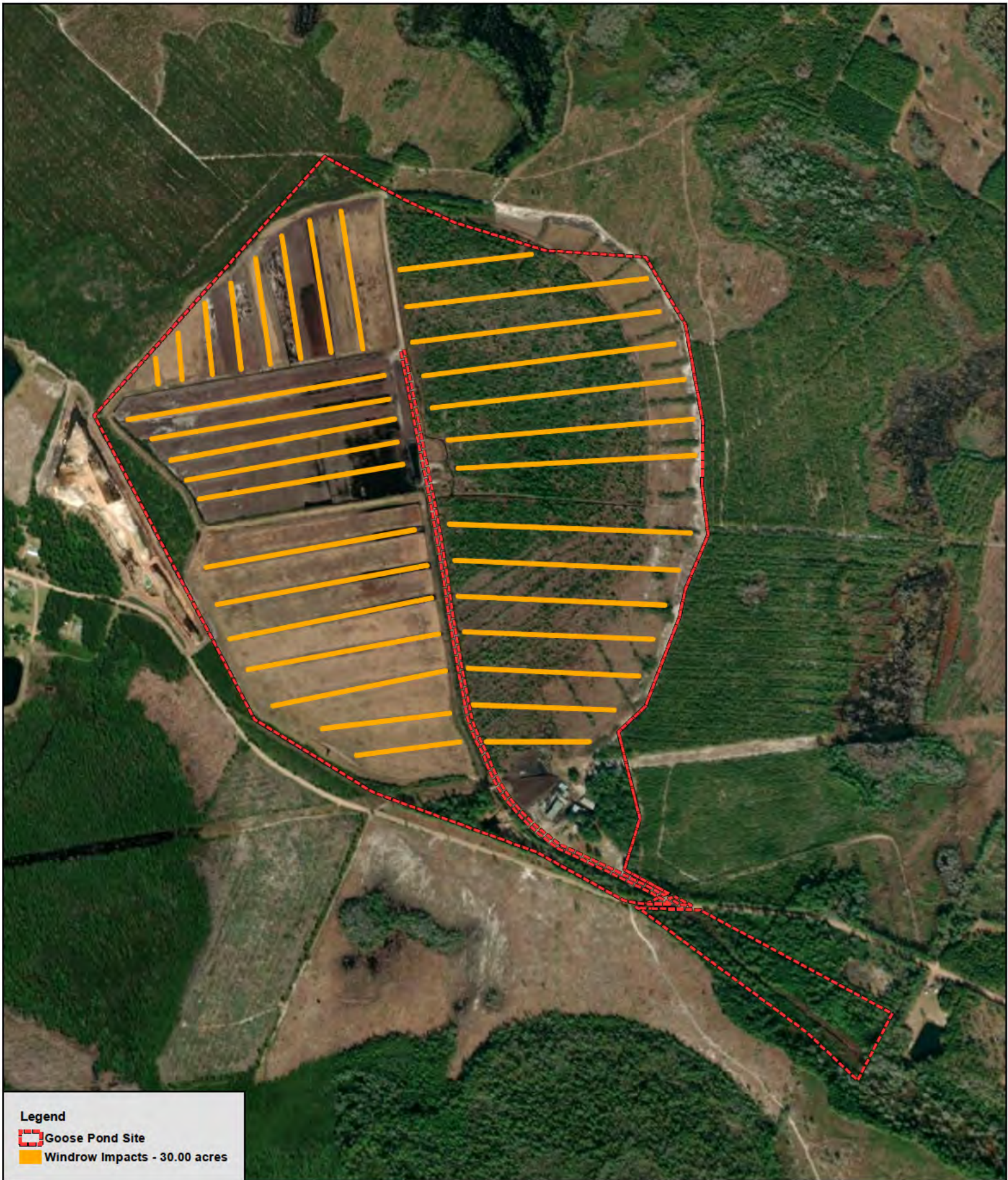


Legend



 Goose Pond Site

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community





Legend

-  Goose Pond Site
-  Windrow Impacts - 30.00 acres

